

1 LAURA VARTAIN (SBN: 258485)
laura.vartain@kirkland.com

2 **KIRKLAND & ELLIS LLP**
3 555 California Street, 30th Floor
San Francisco, CA 94104
4 Telephone: (415) 439-1625

5 ALLISON M. BROWN (Pro Hac Vice admitted)
allison.brown@kirkland.com

6 JESSICA DAVIDSON (Pro Hac Vice admitted)
jessica.davidson@kirkland.com

7 **KIRKLAND & ELLIS LLP**
8 601 Lexington Avenue
New York, NY 10022
9 Telephone: (212) 446-4723

10 *Attorneys for Defendants*
11 UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC

12 *[Additional Counsel Listed on Following Pages]*
13
14
15
16

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 IN RE: UBER TECHNOLOGIES, INC.,
21 PASSENGER SEXUAL ASSAULT
22 LITIGATION

23 This Document Relates to:
24 ALL ACTIONS
25

Case No. 3:23-md-03084-CRB

**DEFENDANT UBER TECHNOLOGIES,
INC., RASIER, LLC, AND RASIER-CA,
LLC'S BRIEF IN SUPPORT OF THE
MAY 12, 2025 PRIVILEGE LOG
PURSUANT TO SPECIAL MASTER
ORDER NO. 4, § II**

Pursuant to Special Master Order No. 4, § II (Dkt. 2933), Defendants submit this brief in support of their position on the remaining privilege claims challenged by Plaintiffs from Defendants' May 12, 2025 privilege log. On May 19, 2025, Plaintiffs challenged 149 documents within this custodial file. As of May 29, through conferrals, the parties further narrowed their dispute to 133 challenges. Fourteen (14) of the 133 challenges relate to documents that have been clawed back, and the parties' disputes were addressed as part of briefing filed on June 2 or otherwise resolved by agreement.¹ The remaining 119 challenges are now submitted for the Special Master's review.

Defendants incorporate by reference the legal standard and arguments set forth in their prior briefing (Dkts. 2433, 2461, 2528, 2544, and 2580). As explained more fully in the prior briefs, the applicable legal standard, and the factual material previously provided to the Special Master,² when reviewed in conjunction with the challenged documents and the associated metadata fields, support Uber's privilege and work product assertions.

Defendants incorporate by reference prior factual information, including declarations by Daniel Kolta, Uber's Legal Director, Global Safety, and Scott Binnings, Uber's Associate General Counsel, Safety and Core Services. *See* Apr. 21, 2025 Declaration of Daniel Kolta (provided to the Special Master *ex parte*) and June 2, 2025 Declaration of Scott Binnings (Dkt. 3141-1). These declarations provide additional context regarding safety features developed at Uber in partnership and with legal analysis from and close involvement with Uber's in-house counsel. As explained in the Kolta and Binnings declarations, Uber's in-house counsel was closely involved with the development of these safety features, which were viewed as particularly complex from a legal perspective. JCCP_MDL_PRIVLOG092250 is one example of in-house counsel's role with the development of these features. This document reflects research about how the feature could be introduced while

¹ These fourteen clawed back documents were highlighted in blue on Plaintiffs' list of final challenges and are identified in Attachment A. The parties have resolved their dispute as to eight of the clawed back documents, also identified in Attachment A.

² As requested by the Special Master, Uber has provided (1) a glossary of terms commonly used in disputed documents, (2) a list of names and titles of relevant Uber inside and outside counsel, and (3) a digest of third-parties present in its privilege log. Defense counsel will also be available for any questions the Special Master may have during the review process.

1 minimizing legal risks. Comments from in-house counsel further evidence the fact that in-house
2 counsel was closely involved in the development and provided legal advice to help guide decision-
3 making. Therefore, it is protected as attorney-client privileged.

4 The remaining privilege claims submitted for the Special Master's determination should be
5 upheld.³

6
7 DATED: June 3, 2025

Respectfully submitted,

8
9 **SHOOK HARDY & BACON L.L.P.**

10 By: /s/ Maria Salcedo

MARIA SALCEDO

11 **KIRKLAND & ELLIS LLP**

12 LAURA VARTAIN

13 ALLISON M. BROWN

JESSICA DAVIDSON

14 **O'MELVENY AND MYERS LLP**

15 SABRINA STRONG

16 JONATHAN SCHNELLER

17 **SHOOK, HARDY, & BACON, LLP**

PATRICK OOT (Admitted *Pro Hac Vice*)

oot@shb.com

18 1800 K St. NW Ste. 1000

19 Washington, DC 20006

20 Telephone: (202) 783-8400

Facsimile: (202) 783-4211

21 ALYCIA A. DEGEN (SBN: 211350)

22 adegan@shb.com

23 MICHAEL B. SHORTNACY (SBN: 277035)

mshortnacy@shb.com

24 2121 Avenue of the Stars, Suite 1400

25 ³ Defendants note that one within this set, JCCP_MDL_PRIVLOG094551, contains redactions to
26 non-responsive information. Those redactions are marked as "Redacted - Not Rideshare."
27 Defendants respectfully submit that responsiveness redactions are outside of the Special Master's
28 scope of review. Defendants will confer with Plaintiffs in an effort to resolve any disputes beyond
the current privilege assertions at issue.

Los Angeles, CA 90067
Telephone: (424) 285-8330
Facsimile: (424) 204-9093

CHRISTOPHER V. COTTON (Admitted *Pro Hac Vice*)
ccotton@shb.com

MARIA SALCEDO (Admitted *Pro Hac Vice*)
msalcedo@shb.com

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108
Telephone: (816) 474-6550
Facsimile: (816) 421-5547

Attorney for Defendants
UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC